REPORT

OF THE COMMITTEE

on

Administration of Justice

In New Brunswick

Published by Authority of
HONOURABLE R. G. L. FAIRWEATHER, Q.C.
Attorney-General
FREDERICTON, N.B. - 1959

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TO THE HONOURABLE R. G. L. FAIRWEATHER, Q.C.,
ATTORNEY-GENERAL OF
THE PROVINCE OF NEW BRUNSWICK,
FREDERICTON, N.B.

We the Committee appointed by your predecessor the Honourable W. J. West, Q.C., on May 22nd, 1958, to inquire into and report upon the administration of justice in the Province of New Brunswick and to make recommendations as to changes, if any, we deem to be desirable, are pleased to submit herewith our report.

DATED this 16th day of December, 1958.

Gordon F. Nicholson, Q.C.

C. J. A. Hughes, Q.C.

Albany M. Robichaud, Q.C.

Stuart G. Stratton

John P. Palmer

The duties of the Committee as stated in the instructions of the Attorney-General to the Committee, were expressed as follows:

TERMS OF REFERENCE

To enquire into and report upon the Administration of Justice, both civil and criminal in the various Courts of the Province, including without limiting the enquiry,

(a) The Sittings of the Queen's Bench Division of the Supreme Court.

(b) The method of assignment of Judges in the Queen's Bench Division.

(c) The Sittings of the Chancery Division in the Supreme Court.

(d) The sittings of the Court of Divorce and Matrimonial Causes.

(e) The Sittings of the several County Courts of the Province.

(f) The provisions in the Judicature Act as to Vacations.

(g) The provisions of adequate stenographic and clerical assistance for the several Judges of the said Courts.

(h) The establishment of a common venue for adjoining counties for the purpose of trial.

(i) The provision of adequate and proper court room facilities in the several Counties of the Province.

(j) The jurisdiction of the County Courts.

(k) The extension of the powers of County Court Judges under section 49 of the Judicature Act to enable them to hear and determine ex parte motions.

(l) The reporting, notification and distribution of the Judgments of the several Courts of Record.

(m) The provision of proper Crown Practice Rules.

GENERAL

The Committee has held numerous meetings, has considered recommendations of the Judges of the Supreme Court,

the Judges of the County Courts, the County Magistrates, various members of the Bar, and officers connected with the administration of justice throughout the Province and various county officials.

The Committee wishes to express the thanks of its members to all of those who made submissions and suggestions for its consideration. In particular the Committee wishes to thank the Clerks of Circuit, the Clerks of the County Courts, the County Secretary-Treasurers and the Sheriffs, all of whom took great pains to answer inquiries of the Committee and to furnish it with detailed statistical information.

1. SUPREME COURT

(a) *Organization of the Court.*

The suggestion coming from more than one source has been made to the Committee that the Chancery Division be abolished and all trials be held at the sittings in the Queen's Bench Division accompanied by the proposal that all judges, including Judges of the Court of Appeal, be assigned to circuits.

It is our opinion that the organization of the Court under which there are three divisions holds advantages over any other distribution which has been suggested. If Appeal Judges must be assigned to conduct trials in order to relieve pressure on the Queens Bench Division, then re-organization of that Division would seem desirable rather than any interference with the work of the Court of Appeal.

Older practitioners, who remember the experience prior to the establishment of the three divisions, do not favour a return to the earlier system because of its effect on appeal work. Appeal Judges who went immediately on circuit were unable to deal promptly or adequately with appeal matters. These senior members of the Bar report that Appeal judgments have been more promptly rendered and judgments have been more carefully considered under the present organization.

Our information is that—

(i) in Alberta Appellate Judges rarely if ever conduct trials;

(ii) in British Columbia Court of Appeal Judges do not conduct any trials;

(iii) in Manitoba Court of Appeal Judges preside at trials as ex officio judges of the Court of Queen's Bench but that happens only on rare occasions to meet an emergency;

(iv) in Ontario Court of Appeal Judges occasionally conduct trials but such occasions are rare and are to meet special circumstances;

(v) in Quebec Judges of the Court of Appeal do not conduct trials; and

(vi) in Saskatchewan Appeal Court Judges rarely conduct trials.

Our present organization conforms, generally speaking, to that in all the Provinces except Nova Scotia, Prince Edward Island and Newfoundland.

(b) *Retirement of Judges.*

The Committee has observed that throughout the years the operation of the Supreme Court has frequently been affected, sometimes seriously, by the continuance in office of judges who were unable, on account of illness attributable to advancing age, to carry out their duties with efficiency. The Committee recommends that the Attorney-General press for the necessary constitutional amendment to provide for the retirement of judges of the Supreme Court at the age of seventy-five years with full pension.

(c) *Appointment of Additional Judge in the Queen's Bench Division.*

The recommendation was made to the Committee by the Supreme Court Judges and many members of the Bar that an additional Judge of the Queen's Bench Division should be appointed.

It is a fact as mentioned above, that over the past several years there has almost always been one, and frequently more than one, judge incapacitated through illness from performing his duties on the trial bench. This has led to a general experience of delay in the trial of actions and in the rendering of judgments. It is also to be observed that according to the table hereto annexed as Schedule "A" there are presently 88 cases which have been set down for trial in the Queen's Bench Division and have not been heard.

It is to be observed that the trial bench in New Brunswick with four judges for a population (1956 census) of 554,616 is not disproportionate to the trial bench in British Columbia, Saskatchewan and Manitoba. The comparison is as follows:

Province	Population (1956)	No. of Trial Judges	Pop. per Trial Judge
British Columbia	1,398,464	12	116,539
Saskatchewan	880,665	7	125,809
Manitoba	850,040	6	141,673
New Brunswick	554,616	4	138,654

With an additional judge in the Queen's Bench Division the figures would be:

New Brunswick	554,616	5	110,923

It is obvious that in a Province with few trial judges the effect of ill health of one or two is acutely felt.

The Committee therefore recommends that legislation be enacted to provide for an additional judge in the Queen's Bench Division.

(d) *Place of Trials and Judicial Districts in the Queen's Bench Division.*

The Committee finds as a fact that owing to developments in transportation and communications, particularly in districts adjoining the larger cities, certain of the counties have ceased to become a necessary or even a convenient unit for the purpose of the administration of justice in the Supreme Court. In such counties the established system of special sittings for business arising in the county with resident court officers such as the Clerk of Circuits has become largely inoperative. The court official frequently lives and practises in or near a large city and commutes to the shiretown for the sittings only. Civil cases set down for trial in the shiretown are normally heard later in Chambers in the nearby city. The amount of judicial business in these counties no longer justifies special sittings. (See record of cases tried annexed as Schedule "B"). The administration of justice generally would be improved by consolidation of these counties with others into judicial districts.

The Committee therefore recommends that judicial districts for both the civil and criminal jurisdiction of the Court be established comprising the following groups of counties:

York-Sunbury-Queens	with place of sittings at Fredericton.
Westmorland-Albert-Kent	with place of sittings at Moncton.
Saint John-Kings	with place of sittings at Saint John.
Carleton-Victoria	with place of sittings at Woodstock.

The Committee concludes that the creation of any additional judicial districts at present would not expedite the administration of justice and would impose a burden on litigants.

The Committee, however, further recommends that concurrently with the implementation of the above recommendations the necessary amendments be made to the Rules of Court to provide that any action having place of trial fixed in Charlotte County may be set down for trial in the judicial district of Saint John-Kings or York-Sunbury-Queens without order by giving a notice of trial for a sittings in such judicial district and duly filing the trial record (subject to such notice of trial being set aside by a judge on application for cause shown); that any action with place of trial fixed in Gloucester County may be so set down for a sittings in either Northumberland County or Restigouche County; that any action with place of trial fixed in Northumberland County may be so set down for a sittings in the judicial district of Westmorland-Albert-Kent or in Gloucester County; that any action with place of trial fixed in Restigouche County may be so set down for a sittings in Gloucester County or in Madawaska County; that any action with place of trial fixed in Madawaska County may be so set down for a sittings in Restigouche County or in the judicial district of Carleton-Victoria, and any action with place of trial fixed in the judicial district of Carleton-Victoria may be so set down for a sittings in the judicial district of York-Sunbury-Queens or in Madawaska County.

(e) *Date of Sittings in the Queen's Bench Division.*

The Committee is of the opinion that with the consolidation of certain counties into judicial districts more frequent sittings should be provided in the northern part of the Province, where there has in the past been an undue interval between circuits. It is observed that, perhaps because of difficulties of

travel in years past, there appears to be an excessive number of circuits in the spring and fall months and an insufficient number in the winter months.

The Committee is of the opinion that circuits should not be held so near to vacation that there will not be ample time for the dispatch of judicial business prior to vacation. A proposed schedule of dates for sittings in the counties and judicial districts of the Province is annexed as Schedule "C".

The Committee further recommends that section 11 of the Judicature Act be amended to give to the Chief Justice of the Queen's Bench Division (rather than the Lieutenant-Governor-in-Council) power to order the holding of special sittings; and with power to assign a judge to preside over the same, with the same incidents as are now mentioned in this section. In the view of the Committee this provision, now rarely employed, might then be more readily available to speed trials in criminal cases, particularly in cases where the accused cannot obtain bail.

(f) *Method of Assignment of Judges in the Queen's Bench Division.*

The Committee sees no necessity for any change in the present method of assignment of judges.

(g) *Vacation.*

The Committee recommends that the Judges of the Supreme Court be accorded a more extended summer vacation and that the period of long vacation be from July 1st to August 31st inclusive. However, the Committee recommends that there be a vacation judge in Chambers one day a week to conduct urgent business during the vacation period.

The Committee further sees no reason why civil litigation should be impeded for a greater period than at present and accordingly recommends that section 41 of the Judicature Act be rewrittten to retain the present "solicitors' vacation" from July 10th to August 10th as regards pleadings. It is noted however that the language of section 41 is not entirely satisfactory. There should be no prohibition on delivery of pleadings during the "solicitors' vacation" but the days of such vacation period should be excluded in computing the time limited for delivery of the answering pleading; with a special exception to cover the case of statements of claim delivered with specially endorsed writs

where there is a default of appearance. A draft for a proposed section 41 is hereto annexed as Schedule "D".

(h) (i) The Committee concurs in a recommendation of the Judges of the Supreme Court that there be four sittings of the Chancery Division in each of the Cities of Fredericton, Sain John and Moncton on the fourth Tuesday in January, April, June and October in each year.

(ii) The Committee further recommends that provision be made for Chancery sittings in the northern part of the Province with at least one regular sittings in Campbellton and in Edmundston and with adequate provision for Chancery Chambers in the northern part of the Province.

(i) *Clerical Assistance.*

The Committee notes with approval the recent improvement in clerical assistance for the Judges of the Supreme Court. The Committee recommends that the Province assume responsibility for providing adequate clerical assistance and supplies for all Judges of the Supreme Court and a furnished office for each judge in the city or town of his residence.

(j) The current practice of notification of judgments is analyzed in Schedule "E" hereto annexed. In the opinion of the Committee the present method of announcing the result of an action in the Queen's Bench Division where judgment is reserved is unsatisfactory. The Committee notes that the Clerks of Circuit are often remiss or dilatory in transmitting the result to the solicitors involved. The system of requiring solicitors to obtain a copy of the Reasons for Judgment from the court stenographer entails unnecessary delay in consideration of possible grounds of appeal.

The Committee recommends that a common practice be established for the Queen's Bench Division, Chancery Division and Divorce Court and that in all cases the trial judge be required to file his Reasons for Judgment or, in the Divorce Court, a memorandum of his decision, in multiple copies with the Registrar of the Court and that the Registrar of the Court be required to deliver by post to the solicitors for all parties a copy of the Reasons for Judgment or of the memorandum of decision.

The time of filing the Reasons for Judgment with the Registrar should be the time from which the time limited for appeal

shall run. Since the trial judge usually does not deliver judgment in the presence of counsel, it is recommended that the provisions of Order 28, Rule 11 (the "slip rule") be amplified to provide for application for variation of judgment as regards costs and for variation of the judgment itself with the concurrence of counsel.

(k) *Reporting of Judgments.*

(i) The Committee recommends that the copyright of the court reporter be abolished and that the Reasons for Judgment of the Court of Appeal be made available to the parties in the manner mentioned in subparagraph (j) above.

(ii) The Committee recommends that in reporting judgments in civil actions the court reporter be given discretion to abridge judgments by omitting discussion of evidence and that section 62 of the Judicature Act be amended to so provide.

(l) *Powers of County Court Judges.*

The Committee recommends:

(i) that the County Court Judges be empowered under section 49 of the Judicature Act to make any proper order with the concurrence of the solicitors of record; and

(ii) that County Court Judges be empowered to authorize issuance of capias in Supreme Court actions under Revised Statutes (1952), The Arrest and Examinations Act. c. 10.

(m) *Crown Practice Rules.*

The Committee recommends that adequate Crown Practice Rules be drafted and adopted. The Committee has not undertaken the drafting of such Rules because they are considered a matter of practice rather than administration. The Rules in force in Nova Scotia are said to be satisfactory and could well be made the basis for such Rules in our Court.

2. COUNTY COURTS

(a) *Allocation of Judges.*

The Committee observes from the statistical return hereto annexed as Schedule "F" compiled from information furnished by the Clerks of the County Courts, that the Judge of the Westmorland and Kent County Courts deals with a volume of liti-

gation considerably greater than does any other County Court Judge. The Committee also observes that the work in the Counties of Kings and Albert is considerably lighter than elsewhere. The Committee therefore recommends that two judges be appointed for the said four counties, one to have power of assignment of the duties of both.

(b) *Sittings.*

The Committee recommends that the dates for sittings of the County Courts be, so far as possible, midway between sittings of the Queen's Bench Division so as to provide for prompt trial of criminal cases within the jurisdiction of the County Courts. Since the actual dates of sittings, if this principle is applied, must depend upon the dates determined upon for sittings in the Queen's Bench Division, the Committee has not undertaken any specific recommendations.

(c) *Vacations.*

The Committee recommends that the County Courts Act be amended to provide for a Court vacation and vacation from civil process from July 10th to August 10th in each year, subject to the same qualifications as provided for by the proposed subsection (2) of section 41 with regard to the Supreme Court.

(d) *Stenographic and Clerical Assistance and Supplies.*

The Committe finds that there is a marked disparity in the matter of providing clerical assistance and supplies to Judges and recommends that these be adequately provided for all Judges of the County Courts at the expense of the Province.

(e) *Chambers.*

The Committee finds that no Chambers are provided by the Province for four of the County Court Judges while two of such Judges are furnished with Chambers at provincial expense. The Committee recommends that Chambers, equipped with furniture and telephone, be provided for all County Court Judges by the Province. As will be noted below, the Committee recommends that some provincial official be given the responsibility of ensuring the adequacy of facilities, service and supplies for the various Judges of the County Courts.

(f) *Court Reporters.*

The Committee is of the opinion that the present method of providing official shorthand reporters for trials in the County

Courts is inadequate and unsatisfactory. The Committee recommends that there be no distinction between court reporters of the Supreme and County Courts; that all such court reporters be paid a salary by the Province and that the municipalities be relieved of all expense with respect thereto. The minor fees payable by litigants to the Clerks of Courts for the Municipal Stenographers' Fund should be discontinued. The Committee further recommends the establishment of a pool of official shorthand reporters for both Supreme and County Courts and that their duties be allocated by either the Registrar of the Supreme Court or the official whose appointment is recommended hereafter.

(g) *Jurisdiction*

The Committee recommends that the civil jurisdiction of the County Courts should be increased to $1,000.00 in actions of tort as well as in contract so as to encompass most actions arising out of automobile accidents where there is no claim for personal injuries.

(h) *Consolidation of County Courts*

The Committee sees little merit in the retention of individual courts in certain counties where the county identity has been largely lost. This is particularly true in cases where there is one judge for more than one county, where the shiretown of the county is no longer a judicial seat of any importance, and where the clerk practises outside the county. The Committee therefore recommends that as an initial step the County Courts of York, Sunbury and Queens be consolidated into one court and similarly the County Courts of Westmorland and Kent be consolidated into one court. Further such changes should be made in future as conditions warrant.

(i) *Payment into Court*

The Committee recommends that provision be made requiring the Judge of a County Court to direct payment into the Supreme Court where the amount exceeds $2,000.00 (as in Mechanics' Lien Actions) or where the money is to be held for more than one year (as where damages are awarded to an infant and the judgment is satisfied).

3. PROBATE COURTS

(a) *Qualification of Judges*

The Committee recommends that the Probate Courts Act be amended to provide that no person may be appointed Judge of Probate unless he is a member of the Bar. The Committee suggests that where this is not practicable the County Magistrate might be appointed.

(b) *Consolidation of Courts*

As in the case of County Courts and Supreme Courts, the Committee is of the opinion that owing to developments in transportation, certain Probate Courts should now, or in the early future, be consolidated. This could well be adopted as a policy to be carried out as vacancies occur among the Judges of Probate. Groups of counties such as York-Sunbury-Queens, Westmorland-Albert-Kent, Saint John-Kings and Carleton-Victoria could usefully be consolidated into one territorial jurisdiction with one Probate Court.

(c) *Registrars*

The Committee recommends that the Registrar of each Probate Court be a member of the Bar.

(d) *Records*

Records of Probate Courts, except for the current seven years, should be placed in the custody of the Registrar of Deeds for the county or counties where no other provision is made for safekeeping, at public expense.

4. COURT OF DIVORCE AND MATRIMONIAL CAUSES

(a) *Sittings*

The Committee sees no need for change in the dates of sittings in this Court. The Committee does not recommend that sittings be held elsewhere than at the City of Fredericton as the present system is satisfactory.

(b) *Announcement of Judgments*

The Committee, however, does feel that the method of announcing judgments, whereby the solicitor learns the outcome through the newspapers, is unsatisfactory to the profession. As

noted above, the Committee recommends that the Registrar notify counsel of the outcome of proceedings when judgment is not pronounced in open Court, at least two or three days before publication in the press.

5. JUVENILE COURTS

(a) *Maintenance*

The Committee recommends that the expense of maintaining Juvenile Courts be borne by the Province and that the decision to establish such a Court be vested in the Lieutenant-Govenor-in-Council rather than in the municipalities.

(b) *Age of Offenders*

The Committee recommends that the Attorney General make representations to the Minister of Justice with a view to increasing the age of offenders subject to Juvenile Court jurisdiction to eighteen years.

6. PROVISION OF ADEQUATE AND PROPER COURT ROOM FACILITIES

(a) *General*

The Committee is of the opinion that the physical facilities required for the administration of justice throughout the Province have not, for several decades, been accorded the attention they deserve. Court facilities have not kept pace with the rising standard of facilities for medical treatment and for education nor of the standard of public works generally. See more detailed study annexed as Schedule "G". It is recommended that the provision of court room facilities and chambers for Judges and Magistrates in all Courts including the Supreme Court, the Divorce Court, County Courts, Probate Courts and Magistrates' Courts, be removed from the jurisdiction of County Councils and made the responsibility of the Provincial Government. It is noted that this is the practice in all Provinces of Canada with the exception of Ontario and the Maritime Provinces. As an interim measure certain courthouses could be rented from the municipalities until proper facilities could be built. The Committee further recommends that court room facilities be commensurate with the needs of the proper administration of justice in the Province; that future courthouses be modern in construction and

design, spacious, air conditioned and with adequate Chambers for the Judges and their staff; that they have adequate barristers' rooms, consulting rooms and space for libraries. In particular, the Committee recommends that immediate steps be taken to provide a suitable courthouse in the City of Moncton, which is, according to statistical returns annexed hereto, the busiest trial centre in the Province.

While not disposed to make such a definite recommendation, the Committee is of the opinion that immediate consideration should be given to the construction of a building in the City of Fredericton to house the Supreme Court, the Law Library, Judges' Chambers, the Registrar and the Records of the Courts.

The Committee notes with appreciation the attention paid to provision of Court facilities in the New Provincial Building in the City of Saint John and the recent renovation in the City of Moncton.

7. CRIMINAL JUSTICE

(a) *Grand Juries*

The committee recommends that Grand Juries be abolished. It is the opinion of the Committee that the safeguards intended to be provided by the Grand Jury are more than adequately provided by the present system of magistrates preliminary hearings and verbatim record of proceedings. It is noted that Grand Juries have been abolished in all jurisdictions in the British Commonwealth except Ontario and the Maritime Provinces.

(b) *Crown Prosecutors*

It is observed by the Committee that the Judges of the Supreme Court, the County Magistrates (with one exception) and many other judicial officers, favour the appointment of a Crown Prosecutor in each county or group of counties. The Committee recommends that such prosecutors be appointed. In those counties or districts where the volume of prosecutions would justify a full time appointment the appointee should be required to forego other law practice and should be a salaried official. In other districts where practicable, competent counsel should be retained on a retainer and fee basis for the same purpose. Such prosecutors should be entrusted with responsibility of conducting the prosecution of all offences under the Criminal Code and

Provincial penal statutes. They should be the legal advisers of the various police forces as regards these matters.

(c) *Juries*

The Committee recommends that where judicial districts are established juries in criminal cases continue to be empanelled from among the ratepayers of the county in which the offence took place.

(d) *Defence Counsel*

The Committee recommends that the Poor Prisoners Defence Act be amended to enable the trial judge or magistrate to appoint defence counsel to be paid by the Province in cases where an accused is charged with an offence punishable by more than five years imprisonment.

8. SHERIFFS

(a) *Appointment*

In the opinion of the Committee the sheriff is one of the most important officers concerned with the administration of justice and it is essential that proper appointments be made to this position.

(b) *Salary*

Since the appointment is made by the Province it is the view of the Committee that in this case as in all others the authority making the appointment should pay the salary. It is also the view of the Committee that the salaries paid to sheriffs at the present time are not, in most cases, sufficient to attract men with the qualities and character required for the office. (See tabulation of sheriffs' remuneration for the year 1957 hereto annexed as Schedule "H"). The Committee recommends that the minimum basic salary of the office under present conditions should not be less than $3,000 which should include all statutory duties such as Court attendances, escort of prisoners, duties under the Jurors Act, and generally all duties other than those rendered in connection with the service and execution of civil process.

(c) *Supervision*

The Committee recommends that the Attorney-General assume responsibility for supervision of the performance of their

duties by the sheriffs. The Committee suggests that their duties be defined in a book of instructions, and that the sheriffs should attend an annual school of instruction, similar to the school for assessors. This school operated under the supervision of the Attorney-General, would provide a medium for discussion and solution of problems and for standardization of procedure.

(d) *Office.*

It is further recommended that all sheriffs be provided with an office, telephone, stationery and supplies at the expense of the Province.

(e) *Combining Counties.*

It is the view of the Committee that in the interests of economy one sheriff could, under present conditions and in some locations, cover two or more counties by using strategically located deputies.

(f) *Deputies*

The Committee recommends that a sheriff should continue to appoint his own deputy or deputies subject to confirmation by the Province. The Committee feels that it should not be too difficult to find part-time deputies who would be prepared to carry out most of the duties relating to civil process for the prescribed fee.

(g) *Mileage*

The Committee recommends that the language of Schedule "B" to Order 65 be amended as regards item 4 "Sheriffs Fees" so that the mileage will in no case exceed the distance from the nearest of the county or district courthouse, the residence of the sheriff or, in counties where Supreme Court Chambers are maintained, from the location of such Chambers to the place of service.

(h) *Seizures under Execution*

The Committee recommends that there should be a flat fee of $7.50 allowed for actual seizure of chattel property in addition to present poundage.

(i) *Poundage*

The Committee recommends that there be one scale of poundage applicable where the sheriff recovers without sale,

such scale to be one-half the amount of the present scale and that the present scale should be applicable only where the sheriff conducts a sale.

9. CONDUCT OF JUDICIAL BUSINESS

The Committee observes that over the past several decades there has been a marked decline in the formality with which Court business is conducted. The Committee is of the opinion that this has not enhanced the prestige of the judiciary, the legal profession nor the regard for the administration of justice generally in the eyes of the public. The Committee recommends a return to a greater formality in both civil and criminal trials and in particular the Committee recommends—

(a) that the practice of trying cases in the Queen's Bench Division and in County Courts in Chambers be discontinued so far as possible so that contested cases will be tried in court rooms designed and constructed for such purpose;

(b) that all space used for court rooms be properly lighted, clean, to some degree impressive and equipped with at least an elevated bench, proper tables for counsel and court officers and, where necessary, a prisoner's dock;

(c) that County Magistrates be required to wear gowns whenever sitting in open court and that counsel be gowned when appearing before County Magistrates in all trials of indictable offences; and

(d) that proctors be gowned in all contested proceedings in Probate Courts.

10. COSTS OF THE ADMINISTRATION OF JUSTICE

The Committee notes that over recent years the Province has paid an increasing share of the costs of the administration of justice. It is recommended that the Province assume the entire cost of the administration of justice throughout the Province. The nature and amount of the expense presently borne by municipalities is shown in the table hereto annexed as Schedule "I".

11. COURT RECORDS

The Committee notes that in some counties where the Clerk of Circuits or the Clerk of the County Court has recently been

appointed, he appears to have no adequate records of Court business prior to his appointment. Since County Courts are Courts of Records, and since the records of the Clerks of Circuits are often the only permanent records of certain judgments, this situation is unsatisfactory. A similar problem exists in some Probate Courts. The Committee therefore recommends that steps be taken to ensure that uniform and adequate records are kept by the clerks and registrars of all Courts of Record and by the other officers whose duties entail maintenance of records and that such records be preserved.

12. COURT FEES

The Committee considers the present method of collecting Court fees in civil actions by way of stamps of a minor amount an unnecessary nuisance to the Bar, which can hardly be profitable to the Province. If litigants are to bear some part of the cost of administration of justice, the fees for major steps should be increased and the inconsequential fees done away with.

13. ADMINISTRATION

As many of the recommendations in this report, such as those relating to the operation of Court Houses, supervision of sheriffs, staff for judges and operation of a pool of Court stenographers, entail continuing supervision and control, we recommend that an official who could perhaps be designated as the Director of Judicial Services, be appointed, to be responsible to the Attorney-General for these matters.

14. GAOLS

The Committee notes that the Province is assuming increasing control and responsibility with regard to gaols and prisoners under sentence. The Committee observes that the Attorney-General of Canada and the Provincial Attorneys-General are already discussing this situation. The Committee feels the problem of rehabilitation of all convicts should be handled at the Provincial level rather than at the Municipal level.

15. SUGGESTIONS OUTSIDE TERMS OF REFERENCE OR NOT DEALT WITH

The Committee has received many suggestions which it has

not dealt with in this report. Some of these were felt to be outside its terms of reference or to relate only to matters of practice.

In some cases the Committee was unable to reach agreement while in other cases the Committee was unable to undertake the research to formulate a conclusion. The omission of reference to these matters in this report does not imply that the suggestions were not considered by the Committee nor that such suggestions were without value.

All of which is respectfully submitted.

SCHEDULE "A"

Civil Cases entered for trial and not yet tried in Queen's Bench Division November 15, 1958.

Albert	0
Carleton	2
Charlotte	3
Gloucester	3
Kent	0
Kings	3
Madawaska	12
Northumberland	11
Queens	0
Restigouche	5
Saint John	6
Sunbury	0
Victoria	8
Westmorland	29
York	6
Total	88

SCHEDULE "B"

STATISTICS RE QUEEN'S BENCH DIVISION,

SUPREME COURT OF NEW BRUNSWICK

COUNTY	53	54	55	56	57	Totals	Total Trials	Total Circuits	Average no trials per Circuit	Circuits with no cases
ALBERT										
Criminal	7	1	0	1	0	9				
Civil set down	4	2	0	0	0	6				
Civil tried	3	2	0	0	0	5	14	10	1.4	50%
CARLETON										
Criminal	2	3	2	1	1	9				
Civil set down										
Civil tried	6	1	6	1	1	15	24	10	2.4	
CHARLOTTE										
Criminal	3	0	1	2	1	7				
Civil set down	2	4	3	6	8	23				
Civil tried	2	3	2	5	7	19	26	10	2.6	10%
GLOUCESTER										
Criminal	0	1	0	0	2	3				
Civil set down	7	9	7	2	4	29				
Civil tried	4	3	6	2	2	17	20	10	2	0
KENT										
Criminal	4	1	0	0	0	5				
Civil set down										
Civil tried							5			
KINGS										
Criminal	12	1	2	2	5	22				
Civil set down	0	7	4	4	5	20				
Civil tried	0	5	4	4	3	16	38	10	3.8	
MADAWASKA										
Criminal			1	0	3	4				
Civil set down			6	18	23	47				
Civil tried			2	9	4	15	19	6	3.2	0
NORTHUMBERLAND										
Criminal	4	7	2	0	2	15				
Civil set down	3	7	4	6	8	28				
Civil tried	1	2	4	4	1	12	27	10	2.7	10%
QUEENS										
Criminal	0	1	2	0	2	5				
Civil set down	0	1	2	4	1	8				
Civil tried	0	1	0	1	0	2	7	10	.7	50%
RESTIGOUCHE										
Criminal	1	6	4	1	3	15				
Civil set down	6	17	14	12	24	73				
Civil tried 4	4	4	2	5	7	22	37	10	3.7	0
SAINT JOHN										
Criminal	3	1	2	9	7	22				
Civil set down	27	35	45	42	63	212				
Civil tried	15	16	23	17	21	92	114	25	4.5	0
SUNBURY										
Criminal				0	0	0				
Civil set down	2	1	1	3	0	7				
Civil tried	2	1	1	0	0	4	4	10	.4	
VICTORIA										
Criminal	0	1	1	1	1	4				
Civil set down	8	4	2	5	10	29				
Civil Tried	5	3	2	3	4	17	21	10	2.1	0
WESTMORLAND										
Criminal	4	3	8	4	2	21				
Civil set down	58	53	94	62	103	379				
Civil tried	44	25	38	28	31	166	187	20	9.3	0
YORK										
Criminal	2	3	1		0	6				
Civil set down	14	24	22		21	81				
Civil tried	9	15	13		14	51	57	12	4.8	0
							600	163		

+1

SCHEDULE "C"

Proposed Circuits in Queen's Bench Division after establishing Judicial Districts

(Figures denote indentity of a Judge on Circuit)

First Tuesday in January — March — May — September and (except Gloucester) November

(1) York - Sunbury - Queens

(2) Saint John - Kings

(3) Westmorland - Albert - Kent

(3) Gloucester (No November sittings)

Third Tuesday in January — March — May — September

(4) Northumberland

First Tuesday in February — April (except in Charlotte) and June and October

(1) Charlotte (No April Sittings)

(2) Madawaska

(3) Restigouche

(4) Carleton - Victoria

If first Tuesday is a statutory holiday sittings to commence on Wednesday or Thursday of same week as designated by the Chief Justice of the Queen's Bench Division.

SCHEDULE "D"

VACATION

SUGGESTED CHANGES TO SECTION 41 OF THE JUDICATURE ACT

"41. (1) There shall be a vacation in each year commencing on the first day of July and ending on the thirty-first day of August.

(2) No Pleading, not endorsed on or delivered with a Writ of Summons or Capias, is required to be served or filed between the tenth day of July and the tenth day of August, both inclusive, in any year and if served or filed on the first juridical

day following the tenth day of August and the parties to any cause shall be respectively entitled to the same number of days after such juridical day to plead or answer to any pleading filed and served before the tenth day of July as they would have had after the said tenth day of July if this section had not been enacted".

The other sub-sections would remain as at present.

SCHEDULE "E"

NOTES ON NOTIFICATION OF JUDGMENTS

At the present time judgments are pronounced by the Court of Appeal in open court but the reasons for judgment are not read. Judges of the Court of Appeal prepare three copies of each judgment; one is delivered to the Registrar and two are delivered to the court reporter. Counsel for parties to the appeal at the present time must apply to the court reporter for a copy of the reasons for judgment. The reporter has a copyright on the printing, reprinting and publishing of such reports under Section 63 of the Judicature Act and is entitled to charge the parties to the action or their counsel for copies of the reasons.

The court reporter for the Court of Appeal prepares copies of each judgment and the headnote for publication and secures a certain amount of revenue from the publishers of law reports by way of royalties when the judgments are published.

Mr. C. T. Gilbert, the court reporter for the Court of Appeal, has recently undertaken to distribute to members of the profession copies of all judgments of the Court of Appeal for a fee of $20.00 per year. While it would appear that this is a valuable service to the profession, it would appear not to be an adequate substitute to satisfy the necessity of securing a copy of the reasons for judgment of the Court of Appeal for one who was contemplating an appeal from the judgment.

In the Chancery Division the present practice is for a Judge to read his reasons for judgment in open court after having notified the parties of his intention to do so. A written copy of the reasons for judgment must be secured from the Chancery Division reporter who likewise has a copyright on the reasons for judgment and is entitled to charge the parties or their counsel for a copy.

In the Queen's Bench Division the practice is for the trial Judge to forward a copy of his reasons for judgment to the Clerk of the Circuit Court in which the action is tried. The Clerk is then required to enter a minute of the judgment in the records of the Circuit Court and to notify counsel for the parties involved. He may make copies of the judgment and deliver them to the parties or their counsel. He then is required to forward the reasons for judgment to the Registrar of the Supreme Court. This procedure has proven not to be entirely satisfactory and on some occasions counsel for the parties to the action have not been aware of the existence of the judgment for some considerable period after it has come into the possession of the Clerk. There is always the possibility that the Clerk may make an error in a certificate of judgment which is a necessary document for the entering of judgment in the records of the Registrar of the Court. This procedure is also deficient in that it makes uncertain the date on which a judgment is pronounced and brings about difficulties in determining the rights of the parties on appeal. It would seem that this procedure should be given careful consideration with a view to simplifying it by the elimination of the necessity of Clerks of Circuits coming into possession of the reasons for judgment of the trial Judge.

In the Court of Divorce and Matrimonial Causes the order for decrees nisi are not made following the trial of the action. The Judge of the Court prepares minutes of each judgment or order and forwards them to the Registrar of the Court of Divorce and Matrimonial Causes with instructions to pronounce the judgments in open court. Pursuant to these instructions the Registrar prepares formal orders or decrees which are signed by the Registrar. The parties ordinarily become aware of the order of the Court through the newspapers which are notified by the Registrar of the orders for decrees. Copies of the reasons for the orders may be secured from the Registrar of the Court.

In the County Courts in some jurisdictions where judgment is reserved the Judge forwards a copy of his judgment to counsel for the parties. This has proved to be a satisfactory procedure.

SCHEDULE "F"
STATISTICS RE COUNTY COURTS
(As reported by Clerks of Courts)

"Civil Trials" in this table means ordinary civil actions inter partes and does not include special statutory actions not tried at regular sittings.

	53	54	55	56	57	58	Totals	Total Trials	Total Sittings	Average no trials per Sittings	% Sittings no cases
ALBERT											
Criminal	0	0	1	0	0		1				
Civil set down							6				
Civil tried	0	0	2	1	3		6				
Days	0	0	4	3	4		11	7	10	.7	60%
Sittings											
No Cases	2	2	1	1	0		6				
CARLETON											
Criminal	4	3	2	2	0		11				
Civil set down	6	0	0	0	0		6				
Civil tried	6	0	0	0			6				
Days	12	6	4	0	0		22	17	17	1	40%
Sittings											
No Cases				3	3		6				
CHARLOTTE											
Criminal	7	4	1	0	3		15				
Civil set down											
Civil tried	3	3	4	4	2		16				
Days	10	7	6	8	7		38	31	15	2.1	13%
Sittings											
No Cases	0	1	1	0	0		2				
GLOUCESTER											
Criminal	1	1	3	3	3		11				
Civil set down											
Civil tried	0	3	0	5	4		12				
Days	1	4	11	10	6		32	23	15	2.2	26%
Sittings											
No Cases	2	1	1	0	0		4				
KENT											
Criminal	—	—	1	0	0		1				
Civil set down											
Civil tried	—	—	1	4	4		9	10	12	.8	
Days	(information not furnished)										
Sittings											
No Cases											
KINGS											
Criminal	2	4	5	4	0		15				
Civil set down											
Civil tried	6	18	6	4	4		38				
Days	8	21	11	10	4		54	53	20	2.4	10%
Sittings				0	1		2				
No cases	1	0	0								
MADAWASKA											
Criminal	(not available)			0	0	1	1				
Civil set down				4	7	8	19				
Civil tried				4	6	8	18				
Days								19	5	3.8	
Sittings											
No cases					1	0					

	53	54	55	56	57	58	Totals	Total Trials	Total sittings	Average no trials per sitting	% Sitting no case
NORTHUMBERLAND											
Criminal	7	11	11	2	9		40				
Civil set down											
Civil tried	2	1	2	5	7		17				
Days	9	11	15	7	13		55	57	20	2.9	10%
Sittings											
No cases	1	0	0	1			2				
QUEENS											
Criminal			0	0	3		3				
Civil set down											
Civil tried	1	7	7	0	2		17				
Days	1	7	6	1	8		23	20	20	1	
Sittings											
No cases											
RESTIGOUCHE											
Criminal	6	1	4	7	3		21				
Civil set down	7	13	15	17	25		77				
Civil tried	7	9	6	10	11		43				
Days	12	11	10	16	15		64	64	15	4.3	6%
Sittings											
No cases	1	0	0	0	0		1				
SAINT JOHN											
Criminal	3	2	7	1	0		13				
Civil set down											
Civil tried	13	22	11	18	31		95				
Days	18	24	27	19	31		119	108	20	5.4	0
Sittings											
No cases	0	0	0	0	0						
SUNBURY											
Criminal	—	—	1	0	1		2				
Civil set down											
Civil tried	—	—	3	1	8		12	14	6	2.3	
Days											
Sittings											
No cases											
VICTORIA											
Criminal	0	0	1	0	1		2				
Civil set down											
Civil tried	1	4	3	1	5		14				
Days	1	4	3	2	5		15	16	15	1.1	27%
Sittings											
No cases	2	0	1	1	0		4				
WESTMORLAND											
Criminal	3	2	0	1	3		9				
Civil set down											
Civil tried	36	38	37	38	51		200				
Days	66	71	64	73	105		379	209	20	10.5	0
Sittings											
No cases											
YORK											
Criminal	6	2	3	1	1		13				
Civil set down											
Civil tried	9	22	10	18	12		71	84	20	4.2	0
Sittings											
No cases											

SCHEDULE "G"

COURT FACILITIES AND CHAMBERS

Present Situation

The provision of court room facilities in New Brunswick is within the jurisdiction of the several Municipal Councils. Reference is made to section 135 of Chapter 44, Revised Statutes, 1952, "The Counties Act", which provides as follows: "135. Whenever it may be necessary, from time to time, to build, secure or repair a gaol, court house, lock-up house, or other County buildings, the Council may order such assessment for the same from time to time as they think necessary, to be assesned, levied, collected and paid in like manner as prescribed for other County rates".

Reference is also made to Section 109 (4) and 109 (14) of The Counties Act which gives to the several County Councils the right to make By-Laws "providing means to pay the expenses of the administration of justice chargeable on County funds" and "the management of the real estate required for County use . . . and of all County property."

Reference is also made to Sections 85 (1) of Chapter 234, Revised Statutes 1952, "The Towns Act", which provides for the transfer of certain powers vested in County Councils to incorporated Towns and provides for the assessment by County Councils upon the district included in the Town, the proportionate amount assessable thereon for the "administration of justice, maintenance of the gaol, court house and county buildings and offices . . ."

Reference is also made to Section 116 (1) and 116 (2) of The Towns Act which provide that the Town Council may establish by resolution or By-Law "a suitable place in the Town as a lock-up house therein" and "in connection with said lock-up house an apartment of sufficient size for a police or magistrate's court . . ."

By the various incorporation Acts of the cities of New Brunswick, provision is normally made for a lock-up house therein, the employment of a Magistrate and the provision of a "Police court room". Also, the Moncton Consolidation Act makes provision for the establishment of a Juvenile Court but there is no provision for Court room facilities for it.

In some Counties, court chambers have been established in other than Shiretowns at the expense of the Provincial Government (e.g. Moncton) and in Saint John and Fredericton chambers are provided by the Province for the Supreme Court. Chambers for the County Court are provided by the Province in Saint John and Moncton.

The provision of adequate Chambers for the various Judges and their furnishings together with a supply of office material for use by the Judges and the provision of telephones for Judges has been the subject to complaint for some time.

In summary, the provision of and the payment for court room facilities in the various Counties of New Brunswick is within the jurisdiction of the several Municipal Counties with the exception of court rooms for Magistrates in Cities and Towns and Juvenile Courts. Courts rooms and Chambers have, however, been provided by the Provincial Government in one or two instances.

Other Jurisdictions

In the Province of Ontario the Municipal Act there *requires* every County in Ontario to provide and maintain a county court house. The Council of each County is also required to provide all necessary and proper accommodation fuel, light, stationery and furniture for the provincial Courts of Justice other than Division Courts and proper offices, together with fuel, light, stationery, and furniture and, when certified by the Attorney General to be necessary, with typewriting machines, for all offices connected with such provincial Courts, other than the Crown Attorney of the City of Toronto.

It should perhaps be noted that the Ontario Municipal Act is much more explicit in its terms than the New Brunswick Act which does no more than to enable the building and repair of court houses.

The situation in England with respect to court buildings for the County Courts there, is described in Halsbury, 3rd Edition, at Page 134 et seq, which states as follows:

"Where there is a town hall, court house or other public building belonging to any local or other public authority in any place in which a county court is held, that building, with all necessary rooms, furniture and fittings in it, must be used for

the purpose of holding the Court, without any charge for rent or other payment, except reasonable charges for lighting, warming and cleaning the building when used for that purpose; but the sittings of the court must be fixed so as not to interfere with the business of the authority usually transacted in the building or with the purpose for which the building may be used by virtue of any local Act."

"The Minister of Works must, on the representation of the Lord Chancellor made with the approval of the Treasury, build, purchase, hire or otherwise provide court houses, offices and buildings necessary for holding county courts and cause them to be furnished, cleaned, lighted and warmed, and he must excercise this duty, although there is a town hall, court house or other public building at a place where a county court is held, if, on the like representation, it appears to him that there is no such building in the place which is suitable for holding and carrying on the business of the court. In order to provide a court house, offices and buildings for a county court, the Minister may also, with the approval of the Lord Chancellor, contribute, on such terms as the Treasury may approve, to the expenses incurred by any local or other public authority in erecting or reconstructing a town hall, court house, or other public building."

"The expenses of supplying the courts and offices with law and office books, stationery and stamps. . . . and all other expenses arising out of the jurisdiction of county courts are paid from a parliamentary grant."

The Committee is informed and believes that all of the Western Provinces have enacted legislation whereby the Provincial Government has assumed the responsibility of providing proper court room facilities and the necessary staff and equipment.

R. M. Willes Chitty, Q.C., in Chitty's Law Journal, Volume 7, Number 10, (December, 1957) editorializes as follows:

"For a long time we have been trying to arouse legal opinion on the subject of courthouse accommodation in an endeavour to weld together a body of opinion in the profession which, in view of the number of lawyers in the Legislature, would persuade the Government that the administration of justice is a matter of province-wide concern and that as court house accommodation

is an essential in the administration of justice the Province ought to assume its responsibility and put an end to the delegation to the municipal level of the responsibility for providing adequate and proper court houses. In the days a century and more ago, when the principle of delegating that responsibility to the County Councils was established, cases were few, travel was difficult and labourious, and the administration of justice a matter of more local concern. Also, the accommodation required was not nearly so elaborate and could conveniently be combined with the provision of the offices and chambers required for the purposes of municipal government. The Assizes sat twice a year for a week and the County Court also had its biennial sittings which lasted about the same length of time. It would, in those days, have been uneconomical to require that a special building be erected for court house purposes alone for perhaps six weeks use in the year by the Courts and year-round use only of a few small offices for the court officials. Also, and this is not unimportant, the municipal tax rate was low and it was not inequitable to put on the shoulders of the municipal tax-payer, the landowner, this burden of providing in the municipal building the necessary court house accommodation. We are glad to know that at the recent opening of the Courts in Ontario, McRuer, C.J.H.C. made a strong attack upon the general inadequacy of court house accommodation. He said amongst other things, 'Here in Ontario the administration of justice has been reduced to a third-class operation taking its place far down the list from civic squares, city halls, express ways and cloverleafs'. Those remarks are by no means appropriate only to Toronto. With some exceptions court house accommodation generally is wholly inadequate and as the Chief Justice also pointed out the whole administration of justice is impeded and to some extent frustrated by this relegation of it to a third class operation. But we would gently and uncritically suggest that the reason that the administration of justice, so far as court house accommodation is concerned, is relegated to a political level below civic squares, city halls, express ways, and cloverleafs, lies in the outworn system which maintains responsibility for court houses on the municipal political level."

It is suggested that Mr. Chitty's remarks apply equally as well to the Province of New Brunswick and that his analysis of the problem is correct.

SCHEDULE "H"

STATISTICS RE SHERIFFS, 1957 (as supplied by Sheriffs)

County	Salary	Other Earnings from Municipality	Fees & Mileage re writs & Process	Other Income	Total	Total Mileage	Mi. Cost @ 10c	Net Income	Writs Rec'd.	Writs Served	Executions Rec'd.	Seizures	Sales of Land
Albert	1200	46.50	269.55	425.00	1940.85	13,756	1375.60	565.25	124	110	220	11	4
Carleton	1000	1350.00	2390.00	320.00	5060.00	26,000	2600.00	2460.00		225	103	2	4
Charlotte	1200												
Gloucester	1000	735.02	2418.60	434.54	4588.16	20,000	2000.00	2588.16		227	113	2	6
Kent	500		1000.00	500.00	2000.00	10,000 (est)	1000.00	1000.00	130	102	227	32	0
Kings	1400	341.90	1253.05		2994.94	6,000	600.00	2394.95	135	90	114		10
Madawaska	2400	486.70	5644.26	100.00	8630.96	25,000	2500.00	6130.96	744		152	15	8
Northumberland	1500	621.00	860.00		2981.00	14,000	1400.00	1581.00	198	158	82	7	3
Queens	500	300.00	950.00	150.00	1900.00	10,000 (est)	1000.00	900.00		87	40	5	23
Restigouche	500	1471.60	3370.38	1113.88	6455.86	20,000	2000.00	4455.86		298	261	22	19
Saint John	5200	1150.70	5296.89	50.00	11697.59	30,000	3000.00	8697.59		786	346	30	
Sunbury	900	667.84	1831.35	613.00	4012.19	18,106	1810.60	2201.59	719	508	467	51	7
Victoria	500	1586.05	4243.50	304.46	6634.01	28,762	2876.20	3757.81		423	136	22	0
Westmorland	2000	586.53	6407.80	888.43	9882.76	40,000	4000.00	5882.76	286	286	325	10	28
York	1700	117.00	1695.55		3512.55	10,000	1000.00	2512.55		517	155	3	8

REPORT OF COUNTY SECRETARIES

	Albert	Carleton	Charlotte	Gloucester	Kent	Kings	Madawaska	Northumber.	Queens	Restigouche	Saint John	Sunbury	Victoria	Westmorland	York	Total
SHERIFF																
Salary	1200.00	1000.00	1200.00	1000.00	500.00	1400.00	1800.00	1500.00	500.00	500.00	5200.00	700.00		2040.00		18.540.00
SHERIFF'S OFFICE EXPENSE																
Telephone		116.39		168.50	132.84	88.09	76.68	110.00		77.28	190.14			184.00		1143.92
Light		10.00					550.00				193.32					560.00
Stationery		25.00				101.73	35.00	90.00						48.00		493.05
Postage		30.00					25.00							104.00		159.00
				73.37			100.00		449.30		360.00	200.00		162.00		1,344.67
Total		181.39		241.87	132.84	189.82	786.68	200.00	449.30	77.28	743.46	200.00		498.00		3700.64
DEPUTY SHERIFF																
Salary																
COURT CRIER																
Salary	25.00		55.00		40.00	160.00	75.00			105.00	650.00	40.00		40.00		1190.00
EMPANELLING JURIES																
Sheriff for attendances	7.50	35.00		100.00			30.00	317.20	68.55		284.50	35.00				877.75
Attendances by others	15.42	45.00	10.00	155.52		29.52	28.00	435.25	64.10		297.30	44.00		18.00		1142.11
Cost of summoning jurors			21.30	58.00		19.00										98.30
SUPREME COURT																
Grand Jury							140.00	60.60		1630.15	284.00					2114.75
Petit Jury								116.68			1006.00					1122.68
COUNTY COURT																
Grand Jury					46.25			77.59								123.84
Petit Jury								77.59								77.59
Coroner's Inquests		237.20									2805.70					3042.90
Total	22.92	317.20	31.30	313.52	46.25	48.52	198.00	1084.91	132.65	1630.15	4677.50	79.00		18.00		8599.92
SUPREME COURT																
Clerk of Circuits	66.00	169.95	45.00	246.21	60.00		350.00	288.20		1193.40	761.74	25.60		1247.00		4,452.80
Court Stenographers								199.20		3066.88						3266.08
Interpreters				43.00			160.00			30.20						233.20
Sheriff's Attendances	8.00	15.00	39.69	35.00	10.00		40.00	35.00				10.00				192.69
Constable Attendances	8.00	15.00	20.00	35.00	10.00		40.00	117.00		250.05	138.50			125.00		758.55
Grand Jurors—Fees and Mileage			195.20	136.00		132.00)	184.00)	275.10)			284.00)			276.00)		(1482.30) *
less Refund						66.00)	92.00)	137.55)			142.00)			132.00)		(569.55) **
Net						66.00)	92.00)	137.55)			142.00)			144.00)		912.75Net
Petit Jurors—Fees and Mileage			448.60	1073.40		1312.20)	2142.00)	1268.50)		7779.71	1006.00)			276.00)		(15306.41) *
Less Refund				604.80		656.10)	350.45)	634.25)		2744.65	503.00)			133.00)		(5626.25) **
Net				468.60		656.10)	1792.55)	634.25)		5035.06	503.00)			143.00)		9680.16Net
Jurors Expense																
Grand Jury																
Petit Jury								162.15								162.15
Witnesses—Fees and Mileage			91.60	506.40			700.00	1015.80		5676.31				25.00		8015.11
Grand Jury											684.60			50.00		734.60
Petit Jury																
Crier's Fees				41.20	10.40			35.00			43.50	10.00				140.10
Other Expenses								24.00		845.75						869.75
Total	82.40	199.95	840.09	1511.41	90.40	722.10	3174.55	2648.15		16097.65	2273.34	45.60		1734.00		29418.94
COUNTY COURT																
Judge's Chambers Expense		63.50										116.40		148.00		327.90
Clerk	112.50	275.35	231.85	323.55	42.94	200.70	250.00	650.00				201.80		1083.00		3371.69
Court Stenographer	118.33		312.60	218.50	96.03	259.57	534.00	535.16	202.37		1180.40	15.00		1032.00		4503.96
Interpreters					10.00		272.00									282.00
Sheriff's Attendances	4.00	10.00			30.00	2	417.00	75.00				10.00				546.00
Constable's Attendances	8.00	70.00	31.00	45.00	30.00		300.00	215.00			61.50	5.00		125.00		890.50
Grand Jurors Fees and Mileage			73.80					329.95)	621.00					276.00)		1300.75*
Less Refund								164.98)						133.00)		297.98**
Net								164.87)						143.00)		1002.77
Petit Jurors Fees and Mileage			441.00					1082.05)	2576.40)					276.00)		4375.45*
Less Refund								541.03)	1148.90)					133.00)		1822.93**
Net								541.02)	1427.50)					143.00)		2552.52
Jurors Expense																
Grand Jury																
Petit Jury																
Witness Fees and Mileage			80.00				236.16	237.50	564.60			267.80				1306.06
Grand Jury											150.60			29.00		259.60
Petit Jury											180.00	cr.		49.00		49.00
Less Refund																180.00**
Crier's Fees			20.00		27.05		50.00	75.00			41.00	25.00				238.05
Other Expenses					15.00			37.20			679.90			14.00		746.10
Total	242.83	418.85	1190.25	587.05	251.02	460.27	2059.16	2530.86	2815.47		1933.40	641.00		2766.00		15896.16

JUVENILE COURT

Grand Jury											150.60			
Petit Jury											180.00 cr.		49.00	49.00
Fees Refund														180.00**
Crier's Fees			20.00		27.05		50.00	75.00			41.00	25.00		238.05
Other Expenses					15.00			37.20			679.90		14.00	746.10
Total	242.83	418.85	1190.25	587.05	251.02	460.27	2059.16	2530.86	2815.47		1933.40	641.00	2766.00	15896.16
JUVENILE COURT														
Judge's Salary				800.00						1200.00			2800.00	4800.00
Stenographer or Clerk														
Interpreters														
Witness Fees and Mileage														
Other Expenses				40.00										40.00
Total				840.00						1200.00			2800.00	4840.00
MAGISTRATE'S COURT														
Contribution to Salary	300.00	2000.00	2000.00	3000.00	1000.00	543.66	1500.00	3000.00	1000.00	1300.00	2600.00	2000.00	7000.00	27243.66
Court Stenographer						337.50					405.55			743.05
Other Expenses	225.35				100.00	69.90	900.00				61.05	746.90		2103.20
Total	525.35	2000.00	2000.00	3000.00	1100.00	951.06	2400.00	3000.00	1000.00	1300.00	3066.60	2746.90	7000.00	30089.91
CLERK OF PEACE														
Salary	300.00	300.00	300.00	871.05	190.00	490.00	300.00	800.00	300.00	300.00	1300.00	300.00	300.00	6051.05
Additional Fees	302.80	503.50	39.95	1044.00	335.00	821.20	1265.81	689.00	834.25	1034.75	457.50		3249.00	10576.76
Total	602.80	803.50	339.95	1915.05	525.00	1311.20	1565.81	1489.00	1134.25	1334.75	1757.50	300.00	3549.00	16627.81
CORONERS														
Autopsy	500.00												1056.00	1606.00
Fees to Coroner	411.15	513.50	122.00	915.66	575.65	790.05	507.50	1030.75		679.05	85.00	152.80	200.00	5983.11
Coroner's Jurors—Fees and Mileage	335.55	247.20	220.00	1403.60	175.00	493.80	773.50	884.70		1019.05	310.00		540.00	6402.40
Witnesses—Fees & Mileage	181.60	102.10	191.65	1015.73	29.50	140.00	973.05	939.60		948.28	145.50		347.00	5014.01
Total	1428.30	862.80	533.65	3334.99	780.15	1423.85	2254.05	2855.05		2646.38	540.50	202.80	2143.00	19005.52
COURT HOUSE								2425.00		2400.00				
Caretaker	50.00	1200.00		2760.00				245.00		2400.00	2721.52		2300.00	13856.52
Maintenance and Repair	511.26	370.20	1262.73	1606.15	2010.65	3248.31	916.83	528.00	1971.02	437.84	1419.33	267.44	204.00	14753.76
Insurance		274.88	75.20	575.00		225.00	420.57	222.00		54.00	427.74	73.45	747.00	3094.84
Electricity	27.00	220.68	250.18	886.77	288.21	284.37	218.69	154.00	32.64	239.98	282.52	113.28	460.00	3458.32
Heating	82.80	1029.50	314.60	2855.50	977.13	1007.34	1439.40	1315.00	123.61	2711.18	1612.82	223.30	1370.00	15062.18
Water, etc.		109.55	20.00	76.00		12.00	51.00	32.00		87.30	175.50			563.35
Miscellaneous	68.07	1097.73			130.57			325.00		171.37	603.64		561.00	2897.38
Total	679.13	4302.54	1922.71	8759.42	3406.56	4777.02	3046.49	5001.00	2127.27	6101.67	7243.07	677.47	5642.00	53686.35
PROPORTION ALLOCATED TO—														
Courtroom, jurors room etc		390.00		1500.00									30%	
Supreme Court Judge's Chambers				420.00										
County Court Judge's Chambers		351.20		420.00									5%	
Offices for Court Officials		102.00		420.00									10%	
Office for Sheriff		248.60		720.00									12%	
County Magistrate's Office				480.00										
County Magistrate's Court		563.97	200.00	480.00									5%	
Juvenile Court				600.00										
Juvenile Court Judge's Office														
GAOL														
Gaoler		1800.00	1200.00		750.00	2069.04	600.00	1650.00		1799.62	4070.00	2000.00	2000.00	17938.66
Assistant Gaolers or Turnkeys								144.00			33593.20		1875.00	35612.20
Matron					78.00	488.00				240.00	900.00		480.00	2186.00
Food and Supplies		2624.27	2154.60	2987.25	1082.72	3326.52		5258.00		3372.23	12956.18	1521.22	8566.00	43848.99‡
Less Provincial Contribution		1136.75	609.75	120.00	234.00			2337.50		2494.50	10221.50		4625.00	22562.50†‡
Net		1487.52	1544.85	2867.25	848.72			2920.50		877.73	2734.68	737.72	3941.00	21286.49
Building Repairs and Maint.	72.10	2929.77		217.00	405.83	1116.57		4665.00		3544.88	5849.27	1373.71	3673.00	23847.13
Miscellaneous Expense	379.25					1582.43		253.00		1829.75	2450.08		1258.00	7752.51
Total	451.35	6217.29	2744.85	3084.25	2082.55	8582.56	600.00	9632.50		8291.98	49597.23	4111.43	13227.00	108622.99
Less refund from the municipalities		2036.20		112.50		1270.35					118.22			3537.27†‡
Board re prisoners, other gaols and houses					3.85	171.56	4258.29		1395.50		118.22	124.60	801.00	6873.02
Special Guards								180.00	65.65	5598.38	626.34	52.65		6523.02
Medical examination of prisoners		108.00	128.00		68.00		25.00	677.00		562.43				1568.43
Cost of escorting prisoners to confinement		802.15	255.14	418.00	362.00	148.00	521.46	754.00	124.00	705.93	816.00	269.60		5176.28
	451.35	5091.24	3127.99	3389.75	2516.40	7631.77	5404.75	11243.50	1585.15	15158.72	51039.57	4558.28	14028.00	125226.47
POLICE COSTS		15494.67				1634.92					26669.74			

NOTE

* Total Jurors Fees Before Refund.
** Total Refund on Jurors Fees.

In Gloucester County:
Rent and Interpreter's Fees added into Coroner's Fees.
In cases where Stenographer is employed salary added into Coroner's Fees.

† Provincial Refund.
†† Municipal Refunds.